



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5470-99

28 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 21 November 1978 at the age of 17. Your record reflects that you served without incident for nearly a year, however, on 12 October 1979, you received nonjudicial punishment (NJP) for two incidents of absence from your appointed place of duty and were awarded forfeitures totalling \$140. Approximately five months later, on 7 March 1980, you received NJP for a 29 day period of unauthorized absence (UA) and failure to obey a lawful order. The punishment imposed was reduction to paygrade E-1, which was suspended for 90 days, and forfeitures totalling \$400.

On 27 May 1981 you were convicted by special court-martial (SPCM) of two periods of UA totalling 247 and sentenced to confinement at hard labor for 90 days, forfeitures totalling \$300, and reduction to paygrade E-1. On 12 January 1982 you were convicted by summary court-martial (SCM) of a 73 day period of UA. You were sentenced to confinement at hard labor for 90 days and forfeitures totalling \$300.

Your record further reflects that on 11 June 1987 you were convicted by general court-martial (GCM) of a 83 day period of UA. You were sentenced to confinement for eight months, forfeitures totalling \$1,600, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and you were so discharged on 24 February 1988.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your frequent and lengthy periods of UA. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director